

**FILED & ENTERED**

**JAN 20 2016**

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
BY bakchell DEPUTY CLERK

**ORDER NOT FOR PUBLICATION**

**UNITED STATES BANKRUPTCY COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

**LOS ANGELES DIVISION**

In re:

**PETER JAMES EICHLER, JR.,**

Debtor.

Case No. 2:13-bk-39626-RK

Chapter 7

Adv. No. 2:14-ap-01547-RK

**ALBERTA P. STAHL,**  
Chapter 7 Trustee,

Plaintiff.

vs.

**PETER JAMES EICHLER, JR.,**

Defendant.

**ORDER DENYING DEFENDANT'S  
MOTION TO STRIKE AND DISMISS  
ALETHEIA AND ALETHEIA RELATED  
CLAIMS, AND MOTION TO STRIKE  
AND DISMISS INAPPROPRIATE USE  
OF EICHLER CONSENT**

DATE: January 26, 2016  
TIME: 3:00 p.m.  
PLACE: Courtroom 1675  
255 East Temple Street  
Los Angeles, CA 90012

Pending before the court is the motion of Defendant Peter James Eichler, Jr. ("Defendant") to strike and dismiss Aletheia and Aletheia related claims, and motion to strike and dismiss inappropriate use of Eichler consent ("Motion"). ECF 57. The Motion was noticed for hearing on December 17, 2015 at 3:30 p.m. and continued to January 26, 2016 at 3:00 p.m.

1 Having considered the Motion, for the reasons stated herein, the court determines  
2 that oral argument on the Motion is unnecessary, dispenses with oral argument, takes the  
3 Motion under submission, vacates the continued hearing on the Motion on January 26,  
4 2016 at 3:00 p.m., and rules as follows.

5 Local Bankruptcy Rule 9013-1(d)(1) requires the Motion and notice thereof to be  
6 served upon the adverse party. Further, Local Bankruptcy Rule 9013-1(d)(2) requires  
7 that the Motion and notice thereof be filed and served not later than 21 days before the  
8 hearing date. Moreover, Local Bankruptcy Rule 9013-1(e) requires that the Motion be  
9 accompanied by a proof of service.

10 The court determines that the Motion fails to comply with the three previously  
11 mentioned local bankruptcy rules; that is, there is no record of a notice of the Motion  
12 being served upon Trustee, Alberta P. Stahl; the Motion was filed on November 30, 2015,  
13 which was not 21 days before the December 17, 2015 hearing; and finally, the Motion is  
14 not accompanied by a proof of service.

15 For the reasons stated above, IT IS HEREBY ORDERED that the Motion is denied  
16 without prejudice and that the further hearing on January 26, 2016 at 3:00 p.m. is  
17 vacated. No appearances are required on January 26, 2016.

18 IT IS SO ORDERED.

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24 Date: January 20, 2016

25 Robert Kwan  
26 United States Bankruptcy Judge  
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